

HOUSE BILL NO. 230

INTRODUCED BY JACOBSON

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING CERTIFIED NOTICE OF ADEQUATE STORM WATER DRAINAGE AND MUNICIPAL FACILITIES TO THE REVIEWING AUTHORITY PRIOR TO FINAL PLAT APPROVAL RATHER THAN WITHIN 20 DAYS AFTER PRELIMINARY PLAT APPROVAL; ~~AUTHORIZING THE LOCAL GOVERNING BODY TO DETERMINE WHEN~~ PROVIDING FOR CERTIFICATION THAT ADEQUATE MUNICIPAL FACILITIES FOR THE SUPPLY OF WATER AND DISPOSAL OF SEWAGE AND SOLID WASTE ARE AVAILABLE OR WILL BE PROVIDED; AND AMENDING SECTION 76-4-127, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 76-4-127, MCA, is amended to read:

"76-4-127. Notice of certification that adequate storm water drainage and adequate municipal facilities will be provided. (1) To qualify for the exemption from review set out in 76-4-125(2)(d), the governing body, as defined in 76-3-103, shall, ~~within 20 days after preliminary plat approval~~ prior to final plat approval under the Montana Subdivision and Platting Act, send notice of certification to the reviewing authority that a subdivision has been submitted for approval and that adequate storm water drainage and adequate municipal facilities will be provided for the subdivision.

(2) The notice of certification must include the following:

- (a) the name and address of the applicant;
- (b) a copy of the preliminary plat or a final plat when a preliminary plat is not necessary;
- (c) the number of proposed parcels in the subdivision;
- (d) a copy of any applicable zoning ordinances in effect;
- (e) how construction of the sewage disposal and water supply systems or extensions will be financed;
- (f) certification that the subdivision is within an area covered by a growth policy pursuant to chapter 1 of this title or within a first-class or second-class municipality, as described in 7-1-4111, and a copy of the growth policy, when applicable, if one has not yet been submitted to the reviewing authority;
- (g) the relative location of the subdivision to the city or town;
- (h) certification that adequate municipal facilities for the supply of water and disposal of sewage and

solid waste are available or will be provided ~~within 1 year after the notice of certification is issued~~ within a stated
THE time as determined by the governing body PROVIDED IN 76-3-507;

(i) if water supply, sewage disposal, or solid waste facilities are not municipally owned, certification from
the facility owners that adequate facilities are available; and

(j) certification that the governing body has reviewed and approved plans to ensure adequate storm
water drainage."

COORDINATION SECTION. SECTION 2. COORDINATION INSTRUCTION. IF BOTH SENATE BILL NO. 116 AND
[THIS ACT] ARE PASSED AND APPROVED, THEN 76-4-127 MUST READ AS FOLLOWS:

**"76-4-127. Notice of certification that adequate storm water drainage and adequate municipal
facilities will be provided.** (1) To qualify for the exemption from review set out in 76-4-125(2)(d), the governing
body, as defined in 76-3-103, shall, ~~within 20 days after preliminary plat approval~~ prior to final plat approval
under the Montana Subdivision and Platting Act, send notice of certification to the reviewing authority that a
subdivision has been submitted for approval and that adequate storm water drainage and adequate municipal
facilities will be provided for the subdivision.

(2) The notice of certification must include the following:

(a) the name and address of the applicant;

(b) a copy of the preliminary plat included with the application for the proposed subdivision or a final
plat when a preliminary plat is not necessary;

(c) the number of proposed parcels in the subdivision;

(d) a copy of any applicable zoning ordinances in effect;

(e) how construction of the sewage disposal and water supply systems or extensions will be financed;

(f) certification that the subdivision is within an area covered by a growth policy pursuant to chapter 1
of this title or within a first-class or second-class municipality, as described in 7-1-4111, and a copy of the growth
policy, when applicable, if one has not yet been submitted to the reviewing authority;

(g) the relative location of the subdivision to the city or town;

(h) certification that adequate municipal facilities for the supply of water and disposal of sewage and
solid waste are available or will be provided ~~within 1 year after the notice of certification is issued~~ the time
provided in 76-3-507;

(i) if water supply, sewage disposal, or solid waste facilities are not municipally owned, certification from

1 the facility owners that adequate facilities are available; and
2 (j) certification that the governing body has reviewed and approved plans to ensure adequate storm
3 water drainage."

4 - END -